

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTIN S. ROOD,

Plaintiff,

vs.

ARTHUR F. NELSON, et al.,

Defendant(s).

Case No. 2:12-cv-0893-GMN-NJK

ORDER DENYING DISCOVERY PLAN
(Docket No. 35)

Pending before the Court is the parties' proposed discovery plan (Docket No. 35), which is hereby DENIED. The parties shall submit a revised discovery plan, no later than April 12, 2013, that complies with the Local Rules. Specifically, the parties are requesting a significantly longer discovery period than 180 days from when the first defendant answered, and thus the Discovery Plan must state on its face "SPECIAL SCHEDULING REVIEW REQUESTED" and state why reasons why longer or different time periods should apply. LR 26-1(d).

Further, the Rule 26(f) conference was required to be held within 30 days of July 27, 2012, when the first Defendant filed his Answer, and the stipulated discovery plan was due 14 days thereafter. *See* Local Rule 26-1(d). Absent a motion to stay, the Discovery Plan is approximately 8 months late. Filing dispositive motions as to some defendants does not automatically stay discovery. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). Accordingly, the parties must show excusable neglect for their substantial delay in filing the Proposed Discovery Plan with the Court. LR 26-4.

1 Finally, requests to extend discovery deadlines must be filed at least 21 days before the
2 expiration of the subject deadline sought to be extended. The pending proposed discovery plan
3 incorrectly states that dates in the discovery plan and scheduling order may be modified up to 20 days
4 before the discovery cut-off.

5 Although the Court is inclined to approve the deadlines set out in the parties' proposed
6 discovery plan, the parties must comply with the Local Rules and must provide sufficient reasons for
7 their delayed filing. In the future, the Court expects counsel to comply with the deadlines set out in
8 Local Rule 26-1(d) unless a stay of discovery is approved by the Court.

9 IT IS SO ORDERED.

10 DATED: April 9, 2013

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13 NANCY J. KOPPE
14 United States Magistrate Judge
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